

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**  
 In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haefele, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

**VIA ECF**

April 10, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge  
 United States District Court for the S.D.N.Y.  
 Thurgood Marshall U.S. Courthouse, Room 430  
 40 Foley Square  
 New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

Plaintiffs write in response to the April 9, 2024 letter from Michael Kellogg, counsel for Saudi Arabia (ECF No. 9676), objecting to Plaintiffs' request to reauthorize filing Exhibits under seal via a USB-enabled hard drive (ECF No. 9675). Contrary to Saudi Arabia's suggestion, Plaintiffs' request is administrative in nature and intended to facilitate efficient filing of digital material. In particular, Plaintiffs seek to provide video exhibits in the form that the Court and parties can most easily work with—*i.e.*, standard-format digital files labelled with production numbers, with a timer to facilitate referencing in the parties' submissions, and with on-screen captions from certified Arabic-English translations. It need not have prompted a letter seeking to pre-litigate Plaintiffs' surreply.

Plaintiffs are *not* seeking to file voluminous additional exhibits. Rather, Plaintiffs seek the Court's reauthorization to file a hard-drive in order to submit more complete versions of videos that are already in the record, that Saudi Arabia cited in new arguments in support of its motion to dismiss, and as to which Saudi Arabia raised issues. Plaintiffs are, of course, entitled to respond to those new issues in their authorized surreply. As was the case previously, the USB-enabled drive is necessary because the ECF is unable to accept video files.

In its reply papers, Saudi Arabia has raised new arguments about the content and context of certain video exhibits in the record, and the identity and interactions of persons shown in the videos. Plaintiffs are entitled to respond to those new arguments. For example, to aid the Court in its consideration of the videos, the more complete versions may include longer segments of previously submitted video footage, to provide better context, and may also include certified English subtitles to clarify speech. Plaintiffs' submission of the more complete videos is no different from submitting a more complete version of a deposition transcript where a party has raised an issue premised on selected portions of a transcript and is consistent with the Rules of Evidence. *See Fed. R. Evid. 106.*

The Honorable Sarah Netburn

April 10, 2024

Page 2

---

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haefele  
ROBERT T. HAEFELE  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465  
Tel.: (843) 216-9184  
Email: rhaefele@motleyrice.com

*For the Plaintiffs' Executive Committee for Personal  
Injury and Death Claims on behalf of the Plaintiffs*

COZEN O'CONNOR

By: /s/ Sean P. Carter  
SEAN P. CARTER  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, Pennsylvania 19103  
Tel.: (215) 665-2105  
Email: scarter@cozen.com

*For the Plaintiffs' Executive Committee for Commercial  
Claims on behalf of Plaintiffs*

cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF